EXHIBIT B

1

2   IN THE UNITED STATES DISTRICT COURT
    FOR THE NORTHERN DISTRICT OF ILLINOIS
3   EASTERN DIVISION
    ---------------------------------------X
4
    EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
5
              Plaintiff,
6
              and   Case No. 10-6139
7
    ANTHONY JORDAN, et al.,
8
              Intervening-Plaintiffs,
9
              v.
10
    DHL EXPRESS (USA), INC.,
11
              Defendant.
12
    ---------------------------------------X
13

14

15

16   VIDEOTAPED DEPOSITION OF

17   DR. THOMAS DiPRETE

18   New York, New York

19   Tuesday, August 11, 2015

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22

23

24 Reported by:
    JOAN WARNOCK
25 JOB NO. 149357

1   T. DiPrete

2   might find desirable or undesirable.

3   Q.   They might, but as you --

4   A.   On the issue of the racial density

5   of the routes, it's my understanding that the

6   EEOC made a specific allegation about the

7   assignment of black drivers to routes that

8   were more black. I'm not characterizing

9   those as desirable or undesirable. I'm

10   addressing a question that the EEOC felt was

11   important for the case. And it's my

12   understanding that the results are probative.

13   Q.   Okay. Well, it helps me understand

14   your report. Just because one neighborhood

15   might have a somewhat greater density of

16   African Americans than another doesn't make

17   that neighborhood undesirable in and of

18   itself. You would agree?

19   A.   I think that's correct.

20   Q.   And I guess you would say the same

21   thing about poverty rates. Just because one

22   neighborhood has a greater poverty rate than

23   another doesn't make that neighborhood per se

24   undesirable compared to the other?

25   MR. WINSTON: Object to the form.

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1   T. DiPrete

2   A.   Well, I mean I think it doesn't

3   make it per se undesirable. On the other

4   hand, I don't have too much doubt that if I

5   took a sample of people in Chicago and

6   compared rich and poor neighborhoods and

7   asked which are more desirable, I can predict

8   the answers.

9   Q.   We're not talking about which are

10   desirable to live in. You already told us,

11   did you not, that you can't get into

12   Mr. Smith's head?

13   A.   That's correct.

14   Q.   Okay. So you have no absolute

15   standard by which you say if we get to this

16   poverty level, then those routes are

17   undesirable for DHL drivers?

18   A.   That's correct. I don't have an

19   absolute standard.

20   Q.   And the same is true of incidence

21   of crime. Let me take an example. If one

22   neighborhood has an incidence of crime of one

23   per thousand and another 1.4 per thousand,

24   that doesn't make the first not dangerous and

25   the second dangerous, correct, necessarily?

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 1                    T. DiPrete

 2         A.    Not necessarily, that's correct.  I

 3   mean one neighborhood is more dangerous than

 4   the other if that accurately captures its

 5   crime rate.

 6         Q.    But neither might be dangerous?

 7         A.    Well, dangerous is a more or less

 8   situation.

 9         Q.    It's a subjective perception, is it

10   not?

11               MR. DeCAMP:  Objection to form.

12         A.    Well, I said something different.

13   I said that it's a more or less.

14         Q.    You apply a relative standard, not

15   an absolute one, in your analysis?

16         A.    That's correct, if by that -- well,

17   I don't have an absolute standard threshold

18   by which I would say that above that

19   threshold the neighborhood is dangerous and

20   below that threshold it is not.

21         Q.    That's all.

22         A.    Okay.  I just want to make sure

23   we're on the same page.

24         Q.    So then I take it it would be fair

25   to say that you interpret the results of your
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1   T. DiPrete

2   fair to say that a linear regression equation

3   of the kind of the OLS type you used is a

4   generalized form of averaging in the sense

5   that it links the means of joint

6   distributions of each of the independent

7   variables with the dependent variable?

8   A.   Well, you're fitting a model under

9   conditional means on the dependent variable.

10   Q.   It's a form of averaging it would

11   not be --

12   A.   Well, I don't know --

13   Q.   -- unfair to say.

14   A.   -- exactly what you mean by a form

15   of averaging, so.

16   Q.   Well, I just looked at what many of

17   your colleagues or many -- if Franklin

18   Fisher, for example, defines it as such in

19   the Columbia Law Review, would you find the

20   characterization of a form of averaging to be

21   inaccurate?

22   A.   No. I'm happy with that. I mean,

23   again, it all depends where you're going. So

24   if you end up in a place that I don't agree

25   with, I will --

1   T. DiPrete

2   Q.   Then you'll tell me.

3   A.   I will tell you.

4   Q.   Okay. No sense to bark before

5   you're bit. Where I'm going is here. Your

6   regression analysis enables you to draw a

7   generalization about what is or is not the

8   case with respect to route assignments for

9   African Americans and whites on average;

10   isn't that true?

11   A.   Yes.

12   Q.   It doesn't allow you to make

13   statements about what is the case for

14   specific claimants or observations?

15   A.   That's correct.

16   Q.   Okay. That wasn't too sinister,

17   was it.

18   A.   As I said, I'm just...

19   Q.   The data you used for your

20   regressions aggregates all the route

21   assignments by race made by every supervisor

22   at a given station during the relevant

23   period; isn't that true?

24   A.   That's correct.

25   Q.   So you didn't look at route
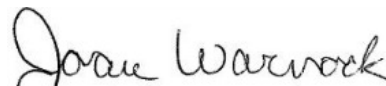
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 1

 2                    C E R T I F I C A T E

 3    STATE OF NEW YORK            )

 4                                 : ss.

 5    COUNTY OF WESTCHESTER        )

 6

 7          I, JOAN WARNOCK, a Notary Public

 8       within and for the State of New York, do

 9       hereby certify:

10          That THOMAS DiPRETE, the witness

11       whose deposition is hereinbefore set

12       forth, was duly sworn by me and that

13       such deposition is a true record of the

14       testimony given by the witness.

15          I further certify that I am not

16       related to any of the parties to this

17       action by blood or marriage, and that I

18       am in no way interested in the outcome

19       of this matter.

20          IN WITNESS WHEREOF, I have hereunto

21       set my hand this 18th day of August,

22       2015.

23

24                                 _Joan Warnock_

25                                 JOAN WARNOCK
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